

Neuman '236, Neuman '387, and Athey were based on patent applications that were either co-pending with the earlier filed reissue patent application or pending at the time the reissue patent issued, and an interference should have been declared between the reissue patent application or reissue patent and the Neuman '236, Neuman '387, and Athey applications or patents. Applicants are willing to provide a way to correct the recapture of subject matter caused by granting Neuman '236, Neuman '387, and Athey by offering to dedicate claims 33-60, 65-66 to the public upon issuing them to applicants in a reissue patent, and by a declaration of interference between the present application and Neuman '236, Neuman '387, and Athey. When applicants prevail in the interference, a reissue patent containing these claims will be granted, and they will be obligated to dedicate them to the public because of their representation to make the dedication. This will also address the recapture of the subject matter of claims 33-60, 65-66 that occurred by the issuance of Neuman '236, Neuman '387, and Athey.

### **Conclusions**

Applicants request the Examiner to withdraw the rejections in view of the foregoing remarks, and issue a Notice of Allowance for all of the claims in this application. If the Examiner withdraws the rejections and allows the pending claims, applicants request that the Examiner indicate in his reasons for allowance, whether it was based upon applicants' arguments, or based upon applicants' alternative offer to dedicate claims 33-60, 65-66 to the public upon having these claims awarded to them as a result of an interference with Neuman '236, Neuman '387, and Athey.

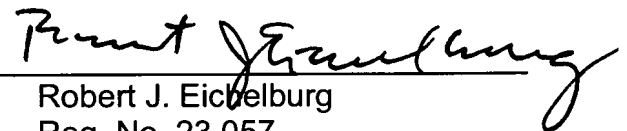
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If entry of this response requires an extension of time pursuant to 37 C.F.R. § 1.136 and payment of an extension fee or other fee, any of which this response does not account for, applicants' attorneys request such an extension and payment of any fees due from their deposit account No. 06-0916.

Respectfully submitted,  
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By:   
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